

**Introduced by Senator Wright**

February 25, 2000

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An act to add Section 18901.3 to, and to repeal and amend Section 11251.3 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1984, as introduced, C. Wright. CalWORKs: food stamps: general assistance.

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, and also for non-health-care general assistance benefits.

This bill would instead provide that persons convicted of specified felonies related to controlled substances are ineligible for aid under CalWORKs, non-health-care general assistance benefits, or food stamps unless they meet one of several specified conditions related to drug treatment, including completing a state-licensed, certified, or county-run drug treatment program, and submit to required periodic medical drug screening tests. This bill would require a county level interagency team composed of specified representatives of county social service agencies to provide case management services to families receiving benefits under these provisions, and would require the services to be coordinated with certain corrections programs.

This bill would require counties to issue vouchers or vendor payments for at least rent and utilities payments to families eligible for aid under CalWORKs pursuant to these provisions.

This bill would make related technical changes.

This bill would require the State Department of Social Services to adopt regulations, and would authorize the adoption of emergency regulations, to implement its provisions.

This bill would make its provision operative on July 1, 2001.

By imposing new duties upon counties to administer these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11251.3 of the Welfare and
- 2 Institutions Code, as added by Section 1 of Chapter 283 of
- 3 the Statutes of 1997, is repealed.
- 4 ~~11251.3. (a) An individual shall be ineligible for aid~~
- 5 ~~under this chapter if the individual has been convicted in~~
- 6 ~~state or federal court after December 31, 1997, including~~
- 7 ~~any plea of guilty or nolo contendere, of any offense~~
- 8 ~~classified as a felony and that has as an element of the~~
- 9 ~~possession, use, or distribution of a controlled substance,~~
- 10 ~~defined in Section 102(6) of the Controlled Substance Act~~
- 11 ~~(21 U.S.C. Sec. 802(6)).~~
- 12 ~~(b) For a family receiving aid under this chapter that~~
- 13 ~~includes an individual who is ineligible pursuant to~~
- 14 ~~subdivision (a), a county shall issue vouchers or vendor~~
- 15 ~~payments for at least rent and utilities payments.~~



SEC. 2. Section 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 284 of the Statutes of 1997, is amended to read:

11251.3. (a) An individual shall be ineligible for aid under this chapter if the individual has been convicted in state or federal court after December 31, 1997, including any plea of guilty or nolo contendere, of a felony that has as an element the possession, use, or distribution of a controlled substance, defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code.

~~(b) Code, unless one of the following conditions is met:~~

*(1) The person, while incarcerated or subsequent to incarceration, has successfully completed a state-licensed, certified, or county-run drug treatment program.*

*(2) The person is currently participating in a state-licensed, certified, or county-run drug treatment program, or is participating in a court-mandated drug treatment or diversion program.*

*(3) The person is willing to enroll and subsequently provides verification of enrollment in a state-licensed, certified, or county-run drug treatment program.*

*(4) At least five years have elapsed since the person fulfilled the conditions imposed by the court in the disposition of the criminal case, including conditions relating to incarceration, parole, and probation.*

*(5) The person is not currently using a controlled substance.*

*(b) In order to receive benefits pursuant to paragraph (1), (4), or (5) of subdivision (a), a person shall, prior to receiving aid, be required to submit to and pass a medical drug screening test, as specified in regulations adopted by the department, that demonstrates the person is not using a controlled substance, as defined in subdivision (a), other than as authorized by law.*

*(c) All participants who receive benefits pursuant to this section shall submit to and pass periodic medical drug*

1 screening tests, as specified in regulations adopted by the  
2 department, that demonstrate the person is not using a  
3 controlled substance, as defined in subdivision (a), other  
4 than as authorized by law.

5 (d) A person's needs shall not be taken into  
6 consideration if it is determined that the person has failed  
7 or refused to participate in the drug treatment or  
8 diversion program without good cause, or failed or  
9 refused to comply with subdivision (c). Penalties shall be  
10 applied in accordance with the time frames established  
11 for financial sanctions in subdivision (d) of Section  
12 11327.5.

13 (e) A county level interagency team comprised of, but  
14 not limited to, representatives from the county  
15 department of social services, including both CalWORKs  
16 and child welfare, alcohol and drug services, mental  
17 health services, and probation, shall be convened by the  
18 CalWORKs program branch of the department to  
19 provide case management services to all families enrolled  
20 under this section.

21 (f) In counties where the Department of Corrections  
22 is providing services under the female offender  
23 treatment and employment program, CalWORKs  
24 services provided under this section shall be coordinated  
25 with that program. In all other counties, a representative  
26 of the Department of Corrections Parole and Community  
27 Services Division shall cooperate with the  
28 multidisciplinary team providing case management  
29 services to any CalWORKs participant who is on parole.  
30 This subdivision shall not apply to counties that do not  
31 physically contain a parole unit or parole subunit.  
32 However, these counties shall develop procedures to  
33 coordinate the work of the case management team with  
34 the Parole and Community Services Division for those  
35 CalWORKs participants currently on parole.

36 (g) For a family receiving aid under this chapter that  
37 includes an individual who is ~~ineligible~~ eligible pursuant  
38 to ~~subdivision (a)~~ this section, a county shall issue  
39 vouchers or vendor payments for at least rent and utilities  
40 payments.

SEC. 3. Section 18901.3 is added to the Welfare and Institutions Code, to read:

18901.3. Pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a (d)(1)(A)), California opts out of the provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a (a)(2)). Convicted drug felons shall be eligible for food stamps under the same conditions as those required for CalWORKs eligibility, as set forth in Section 11251.3, to the extent that federal Food Stamp Program law permits.

SEC. 4. (a) The director, shall adopt regulations, as necessary, to implement the provisions of this act regarding the drug screening procedure, interpretation of drug screening results, standards for reliability and accuracy of tests, and other necessary matters.

(b) Notwithstanding the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) through December 31, 2001, the State Department of Social Services may implement drug screening provisions for convicted drug felons as described in this act through all county letters or similar instructions from the director.

(c) The department shall adopt regulations to implement this section no later than January 1, 2002. Emergency regulations to implement the applicable provisions of this section may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 5. Notwithstanding any other provision of law, this act shall become operative on July 1, 2001.

1 SEC. 6. Notwithstanding Section 17610 of the  
2 Government Code, if the Commission on State Mandates  
3 determines that this act contains costs mandated by the  
4 state, reimbursement to local agencies and school  
5 districts for those costs shall be made pursuant to Part 7  
6 (commencing with Section 17500) of Division 4 of Title  
7 2 of the Government Code. If the statewide cost of the  
8 claim for reimbursement does not exceed one million  
9 dollars (\$1,000,000), reimbursement shall be made from  
10 the State Mandates Claims Fund.

